

1  
2  
3  
4  
5  
6  
7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10 PONDEXTER BRYANT,

11                   Plaintiff,

12                   v.

13 DEPARTMENT OF CORRECTIONS, *et al*,

14                   Defendants.

Case No. C05-5607RJB

REPORT AND  
RECOMMENDATION

Noted for February 17, 2006

15                  This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28  
16 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter is before the court because of plaintiff's failure to  
17 notify the court of his current address. After reviewing the record, the undersigned recommends that the  
18 court dismiss plaintiff's complaint for the reasons set forth below.

19                  DISCUSSION

20                  On October 26, 2005, the court ordered plaintiff to cure certain deficiencies in his application to  
21 proceed *in forma pauperis* by no later than November 26, 2005, or show cause why this matter should not  
22 be dismissed. (Dkt. #3). On November 8, 2005, the postal service returned the copy of that order that was  
23 sent to plaintiff at his last known address. (Dkt. #4). Local Rule CR 41(b)(2) states:

24                  A party proceeding pro se shall keep the court and opposing parties advised as to his  
25 current address. If mail directed to a pro se plaintiff by the clerk is returned by the post  
26 office, and if such plaintiff fails to notify the court and opposing parties within sixty  
days thereafter of his current address, the court may dismiss the action without  
prejudice for failure to prosecute.

27 Here, the court has sent plaintiff its order to show cause to the address provided to it by plaintiff, even  
28 though plaintiff has the responsibility for notifying the court of any change of address. The court is

1 unaware of any other place of residence or confinement for plaintiff, and, as discussed above, plaintiff has  
2 failed to provide the court with a notice of a change in his mailing address or responses to its order.

3 CONCLUSION

4 Based on the foregoing discussion, the undersigned recommends that the court dismiss this matter  
5 without prejudice for failure to prosecute pursuant to Local Rule CR 41(b)(2).

6 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedures, the  
7 parties shall have ten (10) days from service of this Report and Recommendation to file written objections  
8 thereto. See also Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those objections for  
9 purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule  
10 72(b), the clerk is directed set this matter for consideration on **February 17, 2006**, as noted in the caption.

11  
12 DATED this 20th day of January, 2006.

13  
14  
15   
16 Karen L. Strombom  
17 United States Magistrate Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28